



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

May 6, 2009

Project# 1007746

09DRB-70140 VACATION OF PUBLIC RIGHT-OF-WAY

LOVELACE RESPIRATORY RESEARCH INSTITUTE request(s) the referered/ above action(s) for all or a portion of RIDGECREST DRIVE SE adjacent to Tract(s) C & E, **CAGUA ADDITION**, zoned O-1, located on the south side of GIBSON BLVD SE between SAN MATEO BLVD SE and SAN PEDRO BLVD SE.. (M-18)

At the May 6, 2009 Development Review Board meeting, the vacation of public right-of-way was approved as shown on Exhibit B in the Planning file per section 14-14-7-2(A)(1) and (B) (1)(3) of the Subdivision Ordinance with the condition that vacated right-of-way be maintained as public water and sewer easement, and that an appropriate turn-around may be required.

1. (A)(1) The public right-of-way vacation request was filed by the owners of a majority of the footage of land abutting the proposed vacation.
2. (B)(1) The public welfare is in no way served by retaining the public right-of-way. The City of Albuquerque does not anticipate any need to utilize the existing right of way for roadway purposes.
3. (B)(3) There is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right. Property owners of record abutting the proposed vacation were notified by first class mail at least six days prior to the Development Review Board hearing approving the vacation and no objection regarding access or the abridgement of a substantial property right was raised.
4. This vacated right-of-way may be subject to a Permit for Surface Parking Agreement which includes a first right of refusal in favor of the property owner to the north.to purchase the vacated right-of-way.
5. Access to the vacated right-of-way by the adjacent owners to the south is inhibited by physical improvements and no existing direct access.

CONDITIONS:

1. Final disposition shall be through the City Real Estate Office
2. The vacated right-of-way shall be retained with appropriate easements for utilities, drainage, and a turn-around as needed.

3 The vacated property shall be shown on a replat approved by the Development Review Board and the approved replat shall be filed for record with the Bernalillo County Clerk's Office within one year.

If you wish to appeal this decision, you must do so by May 21, 2009 in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision.

The date the determination in question is issued is not included in the 15-day period for filing an appeal.

If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

Please note that the vacation of all plats, rights-of-way, and easements are void after one year from the final appeal date referenced above if all conditions are not met (The effective date of Development Review Board approval is the hearing date plus the 15-day appeal period.) (REF: Chapter 14 Article 14 Part 7-2 (E)(3)(6) Revised Ordinance.)



Jack Cloud, AICP, DRB Chair

Cc: Lovelace Respiratory Research Institute – 2425 Ridgecrest Dr. SE –
Albuquerque, NM 87108

Marilyn Maldonado
Scott Howell
File